

Multi-Agency ECR Evaluation Study, Round II (MAES II) Data Management and Reporting Protocols

The U.S. Institute for Environmental Conflict Resolution (the U.S. Institute) has created data management and reporting protocols for the Multi Agency Evaluation Study (MAES II). The protocols outline how the U.S. Institute will manage and share the MAES II evaluation records for the purpose of the study, and how confidentiality is protected. The protocols also detail how, if necessary, the U.S. Institute will handle Freedom of Information Act (FOIA) requests for the study records. Under FOIA all information (written or electronic) held by a federal entity, such as the U.S. Institute, is subject to disclosure in response to an information request unless there is a specific exemption that covers the requested information. The evaluation information from MAES II is subject to such disclosure, with the likely exception of elements of the evaluation data that may be protected under the personal privacy exemption (5 U.S.C. 552(b)(6))¹ and the deliberative process privilege (5. U.S.C. 552(b)(5))².

Information Elements		Data Management and Reporting Protocols
Identity of Process Participants (Respondents)	Direct Identification	<p>The system for administering questionnaires depends on identifying and tracking potential respondents. In these instances, the <i>identity of respondents</i> is recorded only on mailing materials and mailing tracking lists. A mailing-tracking sheet is used to list and track the responses of individuals. The names of respondents are assigned unique codes in the tracking sheet and it is the codes and not the names of respondents that are used to identify individuals' responses in the evaluation database. The tracking sheets linking the respondents' names to database codes are destroyed once the evaluation is completed (i.e., a project-level evaluation report that summarizes participant end-of-process and follow-up data has been generated).</p> <p>In the event of a FOIA request for tracking sheet records pertaining to currently active evaluations, the U.S. Institute takes the general position that names and other information that could lead to identification of project participants are exempt from disclosure under the personal privacy exemption (5. U.S.C. 552(b)(6)). The use of the personal privacy exception is subject to passing a balancing test to determine if the public interest in disclosure outweighs the personal privacy interest.</p>

¹ The personal privacy exemption (5. U.S.C. 552(b)(6)) permits the withholding of information about individuals in personnel, medical and similar files, if the disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. The redaction of this information would have to pass the balancing test of the public's right to know versus the need to protect the information.

² The deliberative process privilege (5. U.S.C. 552(b)(5)) covers intra-agency writings that are pre-decisional, making recommendations, summarizing issues, consultative, advisory or making proposals. It is designed to protect creative debate and discussion within an agency and to avoid misleading or premature publication of novel and unadopted concepts; also to protect the integrity of the decision-making process.

	Indirect Identification	<p>In some <i>cases respondents replying to open-ended questions provide individual or organization identifying information.</i> Responses to open-ended questions are reviewed to ensure they do not contain any individual identifying information or information that could compromise the personal privacy of individuals. Any individual identifying information is deleted or altered in the electronic dataset so that the individual cannot be identified. The hard copy originals of the evaluation questionnaires are destroyed once the evaluation is completed.</p> <p>In the event of a FOIA request for currently active evaluations the U.S. Institute takes the general position that information that could lead to identification of project participants (e.g., available hard copies of questionnaires with verbatim responses from participants) are exempt from disclosure under the personal privacy exemption (5. U.S.C. 552(b)(6)). The use of the personal privacy exception is subject to passing a balancing test to determine if the public interest in disclosure outweighs the personal privacy interest.</p> <p>In cases where a single process <i>participant unambiguously represented an affiliation category</i>, the identity of the respondent can be inferred from the responses to affiliation questions. The affiliation category data is needed to assess the representativeness of the evaluation respondents. The respondent affiliation information is entered in the evaluation database with respondents' responses to evaluation questions. Thus, in instances where a single participant to the process unambiguously represented an affiliation category, the identity of the respondent may be inferred from the responses to affiliation questions and then linked to question responses. In the event of a FOIA request for the evaluation dataset, the U.S. Institute takes the general position that information that could lead to identification of project participants (e.g., affiliation information) are exempt from disclosure under the personal privacy exemption (5. U.S.C. 552(b)(6)). The use of the personal privacy exception is subject to passing a balancing test to determine if the public interest in disclosure outweighs the personal privacy interest.</p> <p>The hard copy originals of the evaluation questionnaires are destroyed once the project evaluation process is complete. The data from the questionnaires is preserved in electronic form, however the link between the respondents' affiliation and the respondents' responses to evaluation questions will be protected to the extent possible as detailed in the preceding paragraph.</p>
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Identity of Process Practitioners (Third Party Mediators / Facilitators)	Direct Identification	<p>The system for administering questionnaires to practitioners depends on a tracking system. The <i>identity of practitioner</i> respondents is recorded on mailing materials and mailing tracking lists. The names of respondents are assigned unique codes in the tracking sheet and it is the codes and not the names of respondents that are used to identify individuals' responses in the evaluation database. The tracking sheets linking the respondents' names to database codes are destroyed once the evaluation is completed.</p> <p>The initials of the project practitioner are referenced on the participants' hard copies of the evaluation questionnaires. The initials are needed to solicit evaluation feedback from the process participants regarding the role of the individual practitioners for a given project. Unique codes will be used to identify the practitioners in the electronic dataset. The unique codes will include a label to identify the specific role played by the practitioner (e.g., lead mediator, co-mediator, assistant). The hard copy questionnaires identifying the practitioners by their initials will be destroyed once the project evaluation is complete.</p>
	Indirect Identification	<p><i>Project practitioners (mediators and facilitators) can be indirectly identified by the role they perform on a project.</i> For example, on a project level the evaluation information provided by and pertaining to contractors can be attributed to individuals given the role-specific questionnaires they complete, and the evaluation questions answered by other respondents pertaining to the services they provide.</p> <p>While project-level evaluation information will be reported without directly identifying the name of the practitioner, project participants and others familiar with a particular project will know the identity of the practitioner to whom the evaluation information pertains. The U.S. Institute does not however, perceive project-level indirect identification of contracted practitioners as an unwarranted invasion of the person privacy of individuals.</p>
Identity of Project Contributors/ Affiliated Agencies	Direct Identification	<p>The MAES II project contributors (e.g., practitioners who identified a mediation/facilitation process for inclusion in MAES II) will be credited in the acknowledgement section of the MAES II aggregate report. However, contributing individuals/organizations will not be directly identified as a case contact on a project by project basis.</p>

	Indirect Identification	Those familiar with an ongoing project in the field of ECR may be able to indirectly identify the contributing or affiliated organizations/individuals for some or all of the cases in MAES II. While such indirect identification may be possible, the U.S. Institute will not disaggregate the MAES II dataset or findings by contributing organization/individual.
Project-level Reports	Respondent Identification (Participants and Practitioners)	Project-level evaluation reports will be generated based on the project participants' and the practitioners' responses to the evaluation questionnaires. Descriptive statistics (including the median, mean, standard deviation, and percent frequencies) will be used to summarize the respondents' evaluation feedback. Responses to open-ended questions will be provided in full in these reports. Consistent with the evaluation protocols detailed in this document, all information will be reported without reference to the identity of individual respondents.
	Report Access	<p>Project-level evaluation reports generated for the mediation/facilitation projects included in MAES II will be made available to all interested persons via the U.S. Institute website. The project-level evaluation reports will be placed on the website after the follow-up questionnaire is administered (approximately 10 months after the project is completed). The delayed distribution is designed to ensure that the evaluation information does not interfere with implementation or follow-up processes.</p> <p>These project-level evaluation reports and copies of agreement records will also be included in the final MAES II report.</p> <p>Exceptions to the normal distribution of project-level reports pertain to instances where projects have six or fewer participants. With a limited number of participants, and therefore a limited number of respondents, a less detailed project-level report is generated to protect the confidentiality of the respondents from indirect identification (e.g., for cases with two respondents where individuals' responses could be differentiated depending on the nature of the summary statistics reported).</p>

Project-level Agreement Records	Record Access	Copies of available agreement records will be collected as part of MAES II. The agreement records will be made available to all interested persons via the U.S. Institute website.
Aggregate Study Reports	Respondent and Project Identification	The MAES II study will assess performance and better understand the factors most important to ECR success. Consistent with the evaluation protocols detailed in this document, all information will be reported without reference to the identity of individual respondents. While the projects in the study will be characterized in general in the aggregate study report, no project will be directly referenced as more or less successful, nor will any named reference be made to the specific characteristics of particular projects.
	Report Access	The aggregate study report will be made available to all interested persons via the U.S. Institute website.
Study Dataset	Data Access	The aggregate dataset, created following the data management and reporting protocols detailed above, will be shared with requestors following FOIA guidelines.

If you have question regarding the U.S. Institute's Data Management and Reporting Protocols please contact:

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